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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

123 W. Nye Lane, Room 208 ✓

Capitol Complex

Carson City, Nevada 89710

(702) 687-5138

December 15, 1992

MEMORANDUM

TO: COMSTOCK WORK GROUP

FROM: RON JAMES, State Historic Preservation Officer

SUBJECT: NEXT MEETING: JANUARY 14, 1993

A handwritten signature in cursive script that reads "Ron James".

We plan to have our next meeting on January 14, 1993 at 9:00 a.m. in the Division conference room, Room 217, 123 West Nye Lane, Carson City. Please call if you need directions. I thought we should discuss the following:

1. Reports on progress from the committees; discussion of issues.
2. Discussion of strategies for public education and resource promotion during the next year.
3. Other items as appropriate.

Since my last memo, dated November 20, 1992, two more committees have met. Bernadette Francke reports for the Public Relations/Education Committee which met on November 20, 1992 the following:

A review of the results of the Management Committee Meeting was given by Ron James indicating how the Public Relations/Education Committee could focus efforts by promoting the upcoming archeological field school. This would include a lecture series prior to the school and tours of the site(s). It was determined that promoting the field school with lectures and tours is a logical approach as the school is already tentatively scheduled, is educational, ties into promoting tourism and would involve the local community. The Committee agreed that this was a clear opportunity which should not be missed.

Comstock Work Group
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The Committee discussed sponsoring a meeting in the near future of local leaders involved in public relations on the Comstock. The purpose of the meeting would be to coordinate with participants on potential upcoming programs and to work together with all concerned parties in publicizing and providing the programs. The Committee will develop a press package promoting the programs once the schedules are finalized. It will also arrange meetings with the press regarding the upcoming programs.

In addition, Alice Baldrica's Interaction and Cooperation Committee met. Attached is a memo and a draft memorandum of understanding which we can discuss in our meeting on January 14, 1993.

Thank you all for the progress we have made. I believe that this will make a significant difference in the way the resource is managed in the future. If you cannot attend the meeting but have comments, please let me know and I will give your comments to the group.

/rj



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December 14, 1992

M E M O R A N D U M

TO: Members of the Interaction and Cooperation Committee
FROM: Alice M. Baldrica, Deputy SHPO *Alice*
SUBJECT: Memorandum of Understanding

Attached is a copy of a draft memorandum for your review. Bernadette Francke, Peggy Waski and I met last week to discuss the structure of the memorandum and I filled in the blanks. Appendix A, the maps delineating the boundaries of the National and State districts, are not attached and will be provided at a later date.

Please review the attached material and provide this office with your comments. Appendix B needs some work because I do not know the kinds of undertakings for which people would like to be informed. I would appreciate amendments to the list of undertakings that you would like to be notified regarding as well as undertakings with which your agency is involved.

I have scheduled a meeting of the committee at 10:00 a.m. on January 29, 1993 in Room 217, address: 123 W. Nye Lane, Carson City, Nevada. If you are unable to attend please send your comments to me prior to the meeting so we can incorporate them into future drafts.

If you have any questions about this document please give me a call.

DECEMBER 14, 1992 DRAFT

MEMORANDUM OF UNDERSTANDING AMONG THE CARSON CITY DISTRICT OF THE BUREAU OF LAND MANAGEMENT, ENVIRONMENTAL PROTECTION AGENCY, LYON COUNTY, STOREY COUNTY, THE COMSTOCK HISTORIC DISTRICT COMMISSION AND THE DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

WHEREAS, the Carson City District of the Bureau of Land Management (BLM), the Environmental Protection Agency (EPA), Storey County, Lyon County, the Comstock Historic District Commission (CHDC) and the Division of Historic Preservation and Archeology (HP&A) have land managing, enforcement or program administration responsibilities within the Comstock Historic District/Virginia City National Landmark (the District) with the potential to affect historic properties within the District and the District itself;

WHEREAS, the District is distinguished as an area of national, state and local historic significance with listings on both the National and State Registers of Historic Places (see Appendix A);

WHEREAS, the BLM, EPA, Storey County, Lyon County, the CHDC and HP&A recognize that preserving the historic character of the District not only directly benefits the historic properties of the District but also serves to promote tourism, a healthy economy and a better quality of life;

WHEREAS, the BLM, EPA, Storey County, Lyon County, the CHDC and HP&A also recognize the need to administer, permit or allow undertakings (as defined in Appendix B) that may conflict with the maintenance of the historic character of the district because actions are non-discretionary or are determined to be for the good of public health, safety or economic welfare of the residents of the area;

WHEREAS, the BLM, EPA, Storey County, Lyon County, the CHDC and HP&A agree that they need to coordinate their efforts to minimize effects to the District and its properties and provide an early opportunity to participants in this MOU to consult to resolve difference of opinion or potential conflicts or to help determine appropriate courses of action;

NOW, THEREFORE, the BLM, EPA, Storey County, Lyon County, the CHDC and HP&A propose to consult in accordance with the following stipulations for projects listed in Appendix B.

STIPULATIONS

- ✓1. Each participant in this memorandum will designate a point of contact through which notification and consultation should occur.
- ✓2. When a party to this memorandum determines it is permitting, engaging in, allowing or administering an undertaking as listed in Appendix B, with the potential to affect the District or any historic properties within the District, it will notify all other participants to this memorandum and request they provide a list of specific concerns within thirty days of the initial request, prior to initiating or permitting the undertaking.
- ✓3. If an undertaking requires less than a thirty days review period, notification will be made by telephone to each point of contact with a request that concerns be transmitted verbally.
- ✓4. If any participant fails to respond to the request for a list of concerns within thirty days, it will be assumed that party does not have any concerns.
- ✓5. If any party responds with a letter of specific concerns, a request for additional information, or a verbal list of concerns, the initiator of the project will meet with that party (or parties) within fifteen days to try to resolve any conflicts or provide the information needed. The participants of this meeting may invite others to take part to help propose solutions or alternatives in solving the problem.
- ✓6. If the conflict cannot be resolved in this meeting, the initiating party will document attempts to resolve problems or provide information and go forward with the project provided environmental review and compliance with appropriate federal, state and local laws is completed.
7. This agreement does not replace the consultation undertaken by an agency to comply with the National Historic Preservation Act. Consultation under this memorandum, however, may be concurrent with the former and may serve to notify the public as per 36CFR800.
8. Any party to this memorandum may request that it be amended, whereupon the parties will consult to consider such an amendment.
9. Any party to this memorandum may terminate it by providing thirty days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

APPENDIX B

An undertaking is defined as any project, activity, or program under the jurisdiction of any of the agencies listed above. The following undertakings have the potential to affect the District or historic properties within the District:

A. RECREATION

1. Sporting complexes or trails.
2. Scenic overlooks and interpretation of historic sites.
3. Off road vehicle events.

B. REALTY ACTIONS

1. Recreation and Public Purposes Act actions.
2. Issuing of right-of-ways and permits for pipelines, tanks, wells, cables, transmission lines, communication towers.

C. MINERAL ACTIONS

1. Mining notices.
2. Plan of Operations.

D. TRANSPORTATION

1. Construction or permitting of access roads.
2. Road maintenance that increases the width of the right-of-way or paving.
3. Road extensions.

E. SAFETY

1. Hazards abatement at historic sites including the elimination of toxic waste sites, filling of mine shafts, adits and stopes.
2. Authorization or installation of devices to protect human or animal life within sites over 45 years in age.

F. TRESPASS ABATEMENT

1. Removal of structures, machines or materials over 45 years in age.

G. GENERAL

1. Fenceline construction.
2. Water projects including spring developments, guzzlers and reservoirs.
3. Vegetative treatment.
4. Preparation of fire suppression plans.

COMSTOCK HISTORIC DISTRICT COMMISSION

BY: _____

DATE: _____

STOREY COUNTY

BY: _____

DATE: _____

LYON COUNTY

BY: _____

DATE: _____

DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

BY: _____

DATE: _____

CARSON CITY DISTRICT OF THE BUREAU OF LAND MANAGEMENT

BY: _____

DATE: _____

ENVIRONMENTAL PROTECTION AGENCY

BY: _____

DATE: _____